IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14531 of 2004

Between:

M.Venkayamma W/o. Thirupathaiah, Ghantavaripalem Vilage Savalyapuram Mandal, Guntur District.

..... PETITIONER

AND

1 The Joint Collector Guntur District.
2 The Revenue Divisional Officer Narasaraopet, Guntur District.
3 The Mandal Revenue Officer Savalyapuram Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ order or direction declaring the impugned proceedings Rc.No.1202/2004 -B dated 2.8.2004 on the file of the Revenue Divisional Officer, Narasaraopet, as illegal, arbitrary and violative of Principles of natural justice.

Counsel for the Petitioner: MR.D.KRISHNA MURTHY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

The petitioner is an authorised dealer in respect of the Fair Price Shop of Ghantavaripalem village, Savalyapuram Mandal, Guntur District. This writ petition is filed aggrieved by the proceedings of the Revenue Divisional Officer, Narasaraopet, Guntur District, dated 02.08.2004, wherein the authorisation of the petitioner was suspended pending enquiry into certain alleged irregularities. The petitioner states that against the said order, he has already preferred an appeal along with an application for stay before the first respondent. However, the first respondent has not considered the appeal and no orders have been passed even on the application for stay so far. Hence, this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The learned counsel for the petitioner contends that all the allegations in the order of suspension, dated 02.08.2004 are false and baseless and at any rate they are trivial in nature and the second respondent is not justified in suspending the authorisation on the basis of such allegations. It is also contended that the order of suspension is motivated and not *bona fide*.

Since the statutory appeal is pending before the first respondent, I am not inclined to express any opinion with regard to the correctness of the allegations made against the petitioner. However, keeping in view the plea of the petitioner that the first respondent has not passed any orders on his application for stay and that in the meanwhile, the respondents are not allowing him to distribute the essential commodities, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to consider the appeal and pass appropriate orders as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

Having regard to nature of the alleged irregularities, I am also of the view that it would be appropriate to allow the petitioner to distribute the essential commodities till the disposal of statutory appeal. Accordingly, there shall be a direction that the order of suspension, dated 02.08.2004 shall not be given effect to till the disposal of the appeal.

The Writ Petition is accordingly disposed of. No costs.

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17.08.2004

Note: Furnish CC in two days

(b/o)

VGB

To

1 The Joint Collector Guntur District.
2 The Revenue Divisional Officer Narasaraopet, Guntur District.
3 The Mandal Revenue Officer Savalyapuram Mandal, Guntur District.

4 2CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad (OUT)

5 2CD copies